

# CRS Report for Congress

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## **International Environment: Current Major Global Treaties**

Susan R. Fletcher  
Senior Analyst in International Environmental Policy  
Environment and Natural Resources Policy Division

### **Summary**

Over the past decade, numerous major treaties have been concluded to deal with global environmental concerns. This report very briefly summarizes major global environmental treaties currently in effect, selected to include those that are subjects of frequent interest by Members of Congress. Except where noted in the description (exceptions also noted with an asterisk), the United States has signed, ratified, and is a Party to these treaties. In addition to these selected major global treaties, there are a large number of regional and bilateral environmental treaties and/or agreements; these agreements are not treated in this report, nor are some broader treaties, such as those dealing with Law of the Sea or Antarctica, that may be environmentally significant, but do not focus primarily on environmental or conservation issues.

Parties to major conventions generally meet periodically in "Conferences of the Parties" (COP), which discuss implementation of these treaties and consider scientific findings related to the problems it addresses; at these meetings additional protocols, annexes, or amendments are considered and may be adopted.

### **Biological Diversity (Biodiversity)**

#### ***Convention on International Trade in Endangered Species (CITES) of Wild Fauna and Flora***

This 1973 agreement entered into force in 1975, and is implemented in the United States by the Endangered Species Act. CITES ("site-eez") regulates trade in species that are threatened with extinction, or may become endangered if trade is not regulated. Some 500 animal species, as well as a large number of plants, are identified for protection under CITES through either a ban on their trade or by controlled trade. The treaty does not regulate habitat loss, although this is considered one of the major causes of species loss.

### ***Biological Diversity Convention\****

Opened for signature at the Earth Summit in 1992 in Rio de Janeiro, the Biodiversity Treaty has as major objectives the conservation of the diverse biological resources of the Earth, and their sustainable use; equitable sharing of the benefits arising from use of genetic resources; and appropriate transfer of relevant technologies. Among the commitments made by parties are: to develop of national strategies for conservation and sustainable use of biodiversity; to identify and monitor components of biodiversity, establishment of protected areas where special measures are needed; and to promote protection of ecosystems and natural habitats. In 1993, President Clinton signed the Biodiversity Treaty, and sent it to the Senate for advice and consent, indicating that implementing legislation would not be required since existing laws were sufficient to provide for U.S. participation. The Senate reported the treaty favorably in 1994, but it did not come to a vote before the end of the 103rd Congress. The treaty remains pending before the Senate, and the United States is therefore not a Party to it.

## **Ozone Depletion**

### ***Vienna Convention for the Protection of the Ozone Layer***

This is the 1985 framework convention to protect the stratospheric ozone layer from depletion by manmade chemicals. The ozone layer protects the surface of the Earth from ultraviolet radiation, and depletion can have adverse effects such as increased skin cancer in people and reduced crop yields. This treaty focuses on research, cooperation, and development of policies to control, limit or prevent activities that may be found to have adverse effects on the ozone layer. It was expected that subsequent protocols would be adopted for specific measures.

### ***Montreal Protocol on Substances that Deplete the Ozone Layer***

This 1987 protocol was developed by Parties to the Vienna Convention, and includes extensive binding provisions to freeze levels of consumption and production of controlled chemical substances such as chlorofluorocarbons (CFCs) at 1986 levels, with scheduled decreases beginning in 1993. It was amended in 1992 to require complete phaseout of production and consumption of these chemicals by industrialized countries by 1996, and complete phaseout by all countries by the year 2010. It recognizes the special situation of developing countries: allows delays for them in certain circumstances, and encourages technical assistance. (For more details, see CRS Report 96-702 ENR: *Stratospheric Ozone Depletion: A Chronology of Assessment and Decision*, July 10, 1996).

## **Hazardous Waste Trade**

### ***Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and Their Disposal\****

This 1989 treaty has numerous provisions, including those: to assure that movement of hazardous waste among industrialized countries is done under safe conditions within environmental protection programs; to prevent shipment of hazardous wastes to inappropriate facilities in countries that lack means to control management and control of such wastes; and

to recognize the right of states to ban entry or disposal of foreign waste within their territory, and provides for notification procedures on waste shipments. The United States participated actively in developing this treaty, and has signed the agreement; it has been approved by the Senate, but implementing legislation has not yet been passed by the Congress, so the United States is not yet a Party to the Convention. Although the United States is not a Party to this treaty, it is able to engage in waste trade with Parties through bilateral or regional agreements that provide for environmentally sound management. (For more information, see CRS Report 94-163 ENR, *International Waste Trade*).

## **Climate Change**

### ***Convention on Climate Change***

This treaty, opened for signature at the 1992 Earth Summit in Rio de Janeiro, established commitments for nations to take measures to limit emissions of "greenhouse gases." (There are a number of such gases, but the most predominant is carbon dioxide which is produced mainly by burning hydrocarbons such as fossil fuels and wood). The treaty set a non-binding goal of reducing greenhouse gases to 1990 levels by the year 2000, but binding targets and timetables have not yet been established. The United States played an active role in negotiation of this treaty and was one of the first nations to ratify it and become a Party. (For more information, see CRS Issue Brief 89005, *Global Climate Change*, and CRS Report 96-699 SPR, *Climate Change: The U.N. Framework Convention's Second Conference of Parties and the Ministerial Declaration*.)

## **Ocean Pollution**

### ***Marpol: Convention for the Prevention of Pollution from Ships***

This 1973 treaty covers ship pollution from several sources, and has been amended to add numerous annexes dealing with specific types of pollution, including oil (Annex I), noxious bulk liquids (Annex II), hazardous freight (Annex III), sewage (Annex IV) and garbage (Annex V). It is implemented by the United States mainly through the Port and Tanker Safety Act, the Act to Prevent Pollution from Ships, and the Marine Plastic Pollution Research and Control Act.

### ***London Dumping Convention: International Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matter***

This treaty bans the intentional ocean dumping of several categories of waste including high-level radioactive wastes and chemical warfare agents, and allows disposal of certain other substances through a permit system. It is implemented through Title I of the 1972 Marine Protection, Research, and Sanctuaries Act.

## **Marine Resources<sup>1</sup>**

### ***Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks***

This agreement provides a framework for negotiating specific regional agreements to guide exploitation of the heretofore minimally regulated fishery resources in international waters. The Agreement only applies to the conservation and management of straddling fish stocks and highly migratory fish stocks in areas beyond national jurisdiction. The Agreement mandates a precautionary approach in designing and implementing fishery conservation and management schemes, encouraging states to act judiciously and conservatively when information is uncertain, unreliable, or inadequate. The Agreement encourages states to avoid disputes, but to institute expeditious dispute-settlement procedures if needed. Pending the settlement of a dispute, Parties are encouraged to adopt practical provisional arrangements. In technical disputes, the Agreement provides for *ad hoc* panels to promote resolution. The Agreement was opened for signature on December 4, 1995, and will remain open for 12 months. Twenty-six nations, including the United States, signed the Agreement the day it was opened for signature. The Agreement will enter into force 30 days after the United Nations Secretary-General receives the thirtieth instrument of ratification, acceptance, approval, or accession.

### ***International Convention for the Regulation of Whaling***

This 1946 Convention established the International Whaling Commission (IWC). The IWC grew from an original 15 Nations (including the United States) which were all whaling commercially, to the current almost 3 dozen, many of whose nationals have never harvested whales. The IWC meets annually to approve harvest quotas and other guidelines for whaling. However, the IWC has no direct means for enforcing its regulations. Under the International Convention, any Nation filing a formal objection to an IWC regulatory action within 90 days is exempt from compliance with it. Hence, the IWC's effectiveness depends primarily upon voluntary international cooperation and sanctions that member Nations may impose unilaterally. Since its creation, the IWC's objectives have gradually shifted from regulating whale harvest to conserving whale populations. In 1982, the IWC set harvest quotas for all whale stocks at zero beginning with the 1985/86 whaling season.

## **Earth Summit**

### ***Agreements at the 1992 Earth Summit: Agenda 21, Earth Charter, Forestry Principles***

The United Nations Conference on Environment and Development (UNCED), known popularly as the "Earth Summit," was held in Rio de Janeiro in June 1992. It was the largest gathering of heads of state in history at that time, and resulted in an extensive "action plan" for the 21st Century for integration of environment and economic activity called "Agenda 21."

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<sup>1</sup>This section provided by Eugene Buck, Senior Analyst in Natural Resources Policy, Environment and Natural Resources Policy Division.

Also agreed at the Earth Summit were an Earth Charter of fundamental principles, and a statement of forest principles, entitled "Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests." All of these documents, approved by consensus at UNCED are legally non-binding and reflect approaches that, although recommended, do not constitute commitments to any particular actions. The United Nations General Assembly established a U.N. Commission on Sustainable Development (CSD) that meets annually to review implementation of various aspects of Agenda 21; in 1997, it will hold a five-year review of accomplishments since the Earth Summit, and consider changes in the mandate of the CSD. (For more details, see CRS Report 92-374, *Earth Summit Summary: United Nations Conference on Environment and Development (UNCED)*, Brazil, 1992).

### **Desertification**

#### ***Desertification: The Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Especially in Africa\****

This treaty was negotiated pursuant to understandings at the 1992 Earth Summit and completed in June 1994. It is global in scope, with annexes for major regions of the world. It promotes integrated approaches to the problem of desertification (the spread of desert-like conditions and/or degradation of land resources), and encourages national action programs to combat desertification in all countries, with support for such efforts by developed countries. This treaty was signed by the United States and sent to the U.S. Senate for advice and consent, where it is now pending.